

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION**

**CASE NO. 22-80285-CIV-CANNON/Reinhart**

**TARA DUNCAN,**

Plaintiff,

v.

**NCS PEARSON, INC. et al.,**

Defendants.

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**ORDER ACCEPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATIONS**

**THIS CAUSE** comes before the Court upon Defendant NCS Pearson, Inc.'s Motion to Dismiss Plaintiff's Second Amended Complaint (the "Motion") [ECF No. 27]. The Motion was referred to Magistrate Judge Bruce E. Reinhart for a report and recommendation [ECF No. 30]. On September 12, 2022, Judge Reinhart issued a report (the "Report"), recommending that Defendant's Motion to Dismiss be granted and that Plaintiff's Second Amended Complaint be dismissed without prejudice with leave to refile [ECF No. 33 p. 9]. The Report provided the parties with a fourteen-day period to lodge objections to the Report [ECF No. 33 p. 10]. Neither party filed objections.<sup>1</sup>

The Court has conducted a *de novo* review of the Report and the record and is otherwise fully advised in the premises. *See Williams v. McNeil*, 557 F.3d 1287, 1291 (11th Cir. 2009) (citing 28 U.S.C. § 636(b)(1)). Upon review, the Court finds the Report to be well reasoned and correct. The Court therefore agrees with the analysis in the Report and concludes that the Motion

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<sup>1</sup> Defendant NCS Pearson, Inc. filed a notice indicating that it does not object to the Report [ECF No. 34].

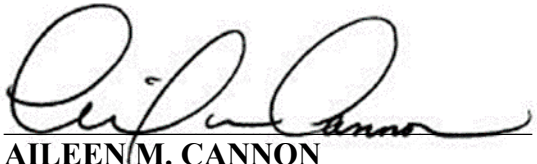
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[ECF No. 27] should be **GRANTED**, and that Plaintiff's Second Amended Complaint [ECF No. 24] be **DISMISSED WITHOUT PREJUDICE** for the reasons set forth in the Report [ECF No. 33].

Accordingly, it is **ORDERED and ADJUDGED** as follows:

1. The Report and Recommendation [ECF No. 33] is **ACCEPTED**.
  - a. Defendant NCS Pearson, Inc.'s Motion to Dismiss [ECF No. 27] is **GRANTED**.
  - b. The Second Amended Complaint [ECF No. 24] is **DISMISSED WITHOUT PREJUDICE**.
2. Plaintiff will have one final opportunity to cure the pleading deficiencies set forth in the Report.<sup>2</sup> Any Amended Complaint must be filed on or before **October 14, 2022**.

**DONE AND ORDERED** in Chambers at Fort Pierce, Florida this 30th day of September 2022.

  
**AILEEN M. CANNON**  
**UNITED STATES DISTRICT JUDGE**

cc: counsel of record

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<sup>2</sup> The Court previously granted Plaintiff's consent motion to amend an earlier pleading [ECF Nos. 21, 23].